

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

GEORGE R. KILEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:12-CV-629-TAV-CCS
	)	
THE DOW CHEMICAL COMPANY LONG	)	
TERM DISABILITY PLAN;	)	
THE DOW CHEMICAL COMPANY <i>as Plan</i>	)	
<i>Administrator and Plan Sponsor</i> ; and	)	
LIBERTY LIFE ASSURANCE COMPANY OF	)	
BOSTON <i>as Claims Administrator and Fiduciary</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This civil matter is before the Court on the Report and Recommendation (the “R&R”) entered by United States Magistrate Judge C. Clifford Shirley, Jr., on February 14, 2014 [Doc. 41]. In the R&R, Magistrate Judge Shirley recommended that the Court deny Plaintiff’s Motion for Summary Judgment [Doc. 33] and grant Defendants’ Motion for Judgment on the Administrative Record (ERISA) [Doc. 31]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After a careful review of the matter, the Court is in agreement with Magistrate Judge Shirley’s recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 41]. Therefore,

Plaintiff's Motion for Summary Judgment [Doc. 33] is **DENIED**, and Defendants' Motion for Judgment on the Administrative Record (ERISA) [Doc. 31] is **GRANTED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin  
CLERK OF COURT